

charged by attorneys in the Victoria legal market.

4. I was asked to review the affidavits of Plaintiffs' counsel, Maureen O'Connell and Maryann Overath, which were submitted with their attorneys' fee request in *Koenning et al v. Suehs*, 2012 W. L. 4127956 (S.D. Tex. Sept. 18, 2012), and to offer my opinion as to whether their requested hourly rates of \$325 and \$275 respectively are consistent with prevailing market rates in the Victoria legal community.

5. As to Maureen O'Connell, I noted that she has practiced for more than 30 years in the area of disability rights and health law, focusing in large part on the rights of Medicaid recipients with disabilities. I have reviewed a list of Ms. O'Connell's federal litigation on behalf of individuals with disabilities and the results obtained in these cases. Based upon this review, it is my opinion that Ms. O'Connell's hourly rate of \$325 is consistent with that of attorneys with similar levels of experience in the Victoria market, especially with respect to highly complex cases involving disability rights.

6. I also reviewed the affidavit of Maryann Overath and am of the opinion that her requested hourly rate of \$275 is consistent with the prevailing rate for attorneys with nearly 20 years of litigation experience in this area.

7. My own rates for litigation such as this case exceed that of Ms. O'Connell's requested rates. The most recent fee application I submitted in this Court (Judge Hudspeth presiding) was in 2008, four years ago. *Ruiz v. Mukasey*, No. 6:07-CV-56. Then, my rate was \$325 per hour in the Victoria Division. More recently, in 2010, in the Northern District of Oklahoma, the rate had increased to \$350 per hour. The requested rates sought by Ms. O'Connell's law office are less than the prevailing rates for similar work by lawyers similarly skilled. I personally am acquainted with similarly qualified lawyers who charge \$400 per hour

Exhibit A

and more for such work.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 30 day of October 2012.



JOHN W. GRIFFIN, JR.